

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 557 OF 2022

Rajesh Jogeshchandra Roy

@ Raja Bangali

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. P.G. Sarda, for the Applicant.

Mr. S.S. Hulke, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 02 JANUARY, 2023.

PC. :

This is an application under Section 439 of Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 352 of 2017 registered at Pimpri Police Station, for the offences punishable under Sections 302, 511, 120, 212, 216, 219, 223, 224, 225, 120(B) read with 34 of the Indian Penal Code (for short I.P.C.), Sections 3, 5 read with 25 of the Arms Act and Sections 3(1)(ii), 3(2), 3(4), 24 of the Maharashtra Control of Organized Crimes Act, 1989 (for short MCOC Act).

This order is corrected pursuant to speaking to minutes of the order dated 20 January 2023.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The allegations are of conspiracy to commit the murder of one Kailash Kadam, by the present applicant and other co-accused, who according to the prosecution are members of organized crime syndicate.

6. The learned counsel for the applicant submits that there is no material to connect the applicant with the alleged crime. It is submitted that this court has released some of the co-accused to whom more serious role is attributed.

7. On the other hand, the learned APP for the respondent/State submits that the applicant gave shelter to the co-accused who escaped from the custody of police to commit the murder of Kailash Kadam. It is submitted that applicant is a member of organized crime syndicate and therefore he may not be released on bail.

8. I have perused the charge-sheet. Prima facie the applicant does not appear to be a part of the alleged conspiracy to kill Kailash Kadam. The applicant is in jail for more than four years. Considering these facts and circumstances, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

A) The Application is allowed.

B) The applicant be released on bail in Crime No. 352 of 2017 registered at Pimpri Police Station, for the offences punishable under Sections 302, 511, 120, 212, 216, 219, 223, 224, 225, 120(B) read with 34 of the I.P.C., Sections 3, 5 read with 25 of the Arms Act and Sections 3(1)(ii), 3(2), 3(4), 24 of the MCOC Act, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C) The applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

[N.R. BORKAR, J.]